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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,474	01/15/2004	Jeffrey D. Habegger	MACZ 2 00012	6712
27885	7590 03/08/2005		EXAM	INER
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR			WILLIAMS, MARK A	
	OK AVENUE, SEVENTH D. OH 44114	FLOOK	ART UNIT PAPER NUMBER	
			3676	
			DATE MAILED: 03/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
8 i 055 - 4-55 - 5 Common - 1	10/758,474	HABEGGER ET	HABEGGER ET AL.				
Office Action Summary	Examiner	Art Unit					
	Mark A. Williams	3676					
The MAILING DATE of this communication Period for Reply A SHORTENED STATUTORY PERIOD FOR RE	EPLY IS SET TO EXPIRE <u>3</u> M	·	ddress				
<ul> <li>THE MAILING DATE OF THIS COMMUNICATIO</li> <li>Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication</li> <li>If the period for reply specified above is less than thirty (30) days, a</li> <li>If NO period for reply is specified above, the maximum statutory pe</li> <li>Failure to reply within the set or extended period for reply will, by sl Any reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	R 1.136(a). In no event, however, may a rate.  a reply within the statutory minimum of thind aright apply and will expire SIX (6) MON tatute, cause the application to become AE	y (30) days will be considered time THS from the mailing date of this of NANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on _	······································						
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ 3	This action is non-final.						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) 1-20 is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-20</u> is/are rejected.	6)⊠ Claim(s) <u>1-20</u> is/are rejected.						
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction ar	nd/or election requirement.						
Application Papers							
9)☐ The specification is objected to by the Exam	niner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form P	TO-152.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:	•	119(a)-(d) or (f).					
1. Certified copies of the priority docum		. P. P. A.					
<ul><li>2. Certified copies of the priority docum</li><li>3. Copies of the certified copies of the priority documents.</li></ul>	· ·	<del></del>	Stano				
application from the International But	•	received in this National	Stage				
* See the attached detailed Office action for a	, , ,	received.					
Attachment(s)	" <b>.</b>	(D=0.445)					
1) ⊠ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview S Paper No(s	ummary (PTO-413) )/Mail Date					
3) A Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date 1/15/04.		formal Patent Application (PTC	O-152)				

Art Unit: 3676

#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-4 and 6-19 are rejected under 35 U.S.C. 102(b) as being anticipate by Ray et al., US Patent 6,035,848. A door mounting system comprising a hinge assembly; and receptacle adapted to mate with said hinge a mounting assembly, said mounting receptacle comprising a base defining an opening having a lower edge and an upper edge; wherein said hinge assembly comprises a claw 22 that adapted for insertion into said opening of said mounting receptacle to couple said hinge assembly to said mounting receptacle; a body 28 pivotally connected to the claw and movable to and between operative position; a link assembly operably the body; first operative position and second interconnecting the claw, and a latch 24 movably connected said claw, said latch movable to and between a locked position where prevents separation of said claw from said mounting receptacle. The latch, when in the locked position, engages said upper edge of said opening of said

Application/Control Number: 10/758,474 Page 3

Art Unit: 3676

mounting receptacle to prevent movement of said claw in said opening as required to decouple said claw from said mounting receptacle. The latch prevents said body from moving from second operative position said latch is located in its first operative when unlocked position (see figure 4 and column 4, lines 2-12). The link assembly comprises a link 32 pivotally connected to said claw and a spring 30 connected between said link and an anchor point, said link comprising a cam surface and said hinge assembly further comprising guide connected to said body that engages said cam surface when said body moves between said first and second operative positions (see figures).

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al. Although both first and second tabs, as well as the claimed U-shape configuration, are not explicitly taught by Ray, it would have been an obvious matter of design choice to make the different portions of the device of

Art Unit: 3676

whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Such a modification is not critical to the design and would have produced no unexpected results.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (703) 305-3438. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams 3/2/05 MM

Suzanne Dino Barrett Primary Examiner